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s.19(1)

Smith, Anne

From: Gay, Alexander
Sent: March 24, 2014 7:59 AM
To: Smith, Anne
Subject: FW: Dispute between the Government of Canada and the CCEPIRSS

Please insert in calendar

Alexander Gay
Senior Counsel/Avocat conseil
Civil Litigation/Section du contentieux des affaires civiles
Department of Justice/Ministère de la Justice du Canada
50 O'Connor Street, Suite 500/50, rue O'Connor, 5e étage
Ottawa, Ontario
K1A 0H8

Tel: (613) 670-6315
Fax (613) 954-1920

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From: [redacted]
Sent: 2014 Mar 21 3:42 PM
To [redacted] Gay, Alexander; [redacted]
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Thank you!

[redacted]

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s.19(1)

From:
Sent: March-21-14 1:36 PM
To: Alexander.Gay@justice.gc.ca;
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello

What you've proposed makes sense to me. I suggest that we have the call on March 26, as you've suggested. I am available at 10:30 a.m. that day and will send an updated meeting invitation to you and Mr. Gay.

Regards,

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From:
Sent: Friday, March 21, 2014 1:36 PM
To: Alexander.Gay@justice.gc.ca;
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello

I did not know about the scheduled teleconference. I am meeting with my principals, on Tuesday and Wednesday next week. By that time I should be fully up to speed.

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I have discussed this matter with Alex Gay and requested that he agree to a short postponement to later in the week for the teleconference. He agreed subject to your agreeing and subject to your schedule. We think the call will last approximately 15 minutes. s.19(1)

Could we do it on Wednesday, Mar 26(anytime between 10:30 a.m. and 2:30 p.m. your time) ? Of course because the call will be so short, Mr. Gay and I will do anything we can to accommodate your schedule if that suggestion does not work for you..

May we please hear from you?

Regards,

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From:
Sent: March-20-14 7:30 PM
To: 'Alexander.Gay@justice.gc.ca';
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello

Previously, when was retained in relation to this matter, we had scheduled a teleconference for Monday, March 23 at 1:00 p.m. EDT/noon CDT to discuss scheduling of cross-examinations and exchange of facta. Please let me know if it is your intention to proceed with that call.

Thank you.

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s.19(1)

From:
Sent: Thursday, March 13, 2014 6:18 PM
To: Alexander.Gay@justice.gc.ca;
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello Mr. Gay,

Thank you for your emails. I confirm that the mediation will take place on May 29 and 30.

Unless there is a strong view to the contrary, I suggest the it be held at my office, the coordinates for which appear below, and that we begin each day at 9:00 a.m.

Regards,

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From:
Sent: Thursday, March 13, 2014 2:18 PM
To: Alexander.Gay@justice.gc.ca;
Cc:
Subject: Dispute between the Government of Canada and the CCEPIRSS

Dear Mr. Gay

has asked me to confirm with you that the dates of May 29 and May 30 work for the mediation session.

Kind regards,

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s.19(1)

Smith, Anne

From:
Sent: March 3, 2014 11:32 AM
To: Gay, Alexander
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello and Mr. Gay,

I have just been advised that May 26 through 28 are no longer available to me.

Regards,

From:
Sent: March 2, 2014 11:49 AM
To: Alexander.Gay@justice.gc.ca;
Cc:
Subject: Re: Dispute between the Government of Canada and the CCEPIRSS

Mr. Gay,

Thank you for providing us with your availability for mediation. Members of our group are currently making it difficult to coordinate our calendars. We anticipate being in a position to advise you of which dates are mutually convenient to us sometime the week of March 10.

We'll be in touch as soon as possible so that other matters do not overcome our calendars.

Best,

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From: Gay, Alexander [mailto:Alexander.Gay@justice.gc.ca]
Sent: Sunday, March 02, 2014 10:38 AM
To:
Cc:
Subject: Re: Dispute between the Government of Canada and the CCEPIRSS

All of the May dates work for us. Thank you

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s.19(1)

From:
Sent: Friday, February 28, 2014 06:10 PM
To: Gay, Alexander
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello Mr. Gay

I am available on the following dates:

- March 19, 26, 28, 31
- April 3, 14, 17, 23
- May 15, 16, 26-30

Regards,

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---

From: Gay, Alexander [mailto:Alexander.Gay@justice.gc.ca]
Sent: Friday, February 28, 2014 2:43 PM
To:
Cc:
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Dear

We have agreed to conduct a mediation session. We are hoping that you will be able to assist as the mediator.

If you had dates, that would be helpful.

Regards,

Alex

Alexander Gay
Senior Counsel/Avocat conseil
Civil Litigation/Section du contentieux des affaires civiles
Department of Justice/Ministère de la Justice du Canada
50 O'Connor Street, Suite 500/50, rue O'Connor, 5e étage
Ottawa, Ontario

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Tel: (613) 670-6315
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s.19(1)

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From:
Sent: 2014 Feb 28 2:23 PM
To: Gay, Alexander
Cc: McConville, Anne
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Hello Mr. Gay,

Thank you for your email. I will look email you, shortly to confirm the dates previously agreed upon.

Regards,

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From: Gay, Alexander [mailto:Alexander.Gay@justice.gc.ca]
Sent: Friday, February 28, 2014 11:08 AM
To:
Cc: McConville, Anne
Subject: RE: Dispute between the Government of Canada and the CCEPIRSS

Dear Mr. Gover,

We have been approached by new counsel, of the law firm of

We thank for their assistance in moving this file forward.

Alexander Gay

Alexander Gay

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Senior Counsel/Avocat conseil
Civil Litigation/Section du contentieux des affaires civiles
Department of Justice/Ministère de la Justice du Canada
50 O'Connor Street, Suite 500/50, rue O'Connor, 5e étage
Ottawa, Ontario
K1A 0H8

Tel: (613) 670-6315
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Smith, Anne

From: [redacted]
Sent: February 25, 2014 5:04 PM
To: Gay, Alexander
Cc: [redacted] s.19(1)
Subject: CCEPIRSS and Canada

Dear Alex,

It was a pleasure speaking with you today. Our letter enclosing Notice of Change of Representation was faxed to you this afternoon, and with this email, you now have my coordinates (in addition to [redacted].

Thank you for agreeing to send me a copy of the materials in support of the Government's RFD. It's much appreciated.

Best,

[redacted]

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s.19(1)

Smith, Anne

From: Smith, Anne
Sent: February 26, 2014 9:54 AM
To: Belanger, Charles (IRSR); Stuhec, Ana (AADNC-AANDC)
Cc: McConville, Anne; Gay, Alexander
Subject: CCEPIRSS - Notice of Change of Representation
Attachments: CCEPIRSS Notice of Change.pdf

Good Morning,

Further to Alex's email, attached please find a copy of the Notice of Change of Representation received from [redacted] for your records.

Regards,

Anne Smith
Legal Assistant | Assistante Juridique
Department of Justice | Ministère de la Justice Canada Civil Litigation Section | Section du contentieux des affaires civiles Rm 572G | Piéce 572G 50 O'Connor Street, Suite 500 | 50, rue O'Connor, 5e etage Ottawa ON K1A 0H8

tel. tél.: (613) 670-6322
fax. téléc.: (613) 954-1920
ansmith@justice.gc.ca

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s.19(1)

Smith, Anne

From: Gay, Alexander
Sent: February 26, 2014 9:31 AM
To: Belanger, Charles (IRSR)
Cc: Stuhec, Ana (AADNC-AANDC); Smith, Anne; McConville, Anne

We received notice that [redacted] has removed himself as solicitor of record. Very strange. Not sure why this is the case, but it comes on the heels of the affidavits and news reports.

Alexander Gay
Senior Counsel/Avocat conseil
Civil Litigation/Section du contentieux des affaires civiles
Department of Justice/Ministère de la Justice du Canada
50 O'Connor Street, Suite 500/50, rue O'Connor, 5e étage
Ottawa, Ontario
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May 14, 2014

VIA E-MAIL: Alexander.Gay@justice.gc.ca

Department of Justice Canada
Civil Litigation Section, Litigation Branch
50 O'Connor Street, Room 571
Ottawa, Ontario K1A 0H8

Attention: Alexander Gay
Senior Counsel

Dear Alex:

RE: Canada and CCEPIRSS

I am writing to you with respect to the Mediation that is scheduled for May 29 and 30 in Toronto with

As I indicated to you when we were in a break at the cross-examination sessions, we are very much concerned that both parties will have at the Mediation representatives who can make a decision on settlement and finalize that settlement at the Mediation.

I confirm that CCEPIRSS's representative is He has been appointed by CCEPIRSS to represent them with respect to all matters concerning this dispute, and he has the authority to make a settlement and finalize the settlement. will also be attending.

In my view, it is necessary that a very senior representative of Canada responsible for the IRSSA attend the Mediation session with the same mandate as Would you please advise who that person will be and the position that that person holds with the Government?

I think it would also be prudent for you, on behalf of Canada, and me, on behalf of CCEPIRSS, to agree that the Mediation session will be held on a "without prejudice" basis and that anything said during the session will not be able to be used by either party in any other proceedings whatsoever if settlement is not able to be achieved at the Mediation session. Do you agree?

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s.19(1)

I shall look forward to your reply.

Yours very truly,

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s.19(1)

Sharpe, Melissa

From:

Sent: Wednesday, May 14, 2014 2:52 PM
To: Gay, Alexander
Subject: Canada and CCEPIRSS
Attachments: Letter to Alexander Gay - Dept. of Justice Canada - May 14, 2014.PDF

Please see attached.

Regards,

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Department of Justice Canada

Ministère de la Justice Canada

50 O'Connor Street, Suite 500
Ottawa, Ontario
K1A 0H8

Telephone: (613) 670-6315
Facsimile: (613) 954-1920

s.19(1)

February 21, 2014

Our File Number: 1360543

BY FACSIMILE

Dear :

Re: Outstanding Dispute between the Government of Canada and CCEPIRSS
***Fontaine v. AGC* (Q.B.G. NO. 816 of 2005)**

We write in respect of the above-referenced matter.

Before we proceed to a formal hearing, Canada is prepared to attend mediation or meet without the assistance of a mediator, to discuss the dispute. has conducted a number of mediations in the past, and Canada is prepared to have him assist as a mediator.

Our offer to mediate or meet does not affect any of the timelines set out by the Court.

We await your reply to our invitation and remain,

Yours truly,

Alexander Gay
Senior Counsel, Civil Litigation Section
/as

Canada

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Department of Justice Canada

Ministère de la Justice Canada

Civil Litigation Section
Litigation Branch
Department of Justice Canada
50 O'Connor Street, Room 571
Ottawa, Ontario
K1A 0H8

Telephone: 613-670-6315
Fax: (613) 954-1920

s.19(1)

March 07, 2014

Our File Number: 1360543

BY FAX

[redacted]

Dear [redacted]

Re: Corporation of Catholic Entities Party to the Indian Residential Schools Settlement (CCEPIRSS) - Arbitration

We write with respect to the above-reference matter.

The dispute between CCEPIRSS and Canada relates to the deduction of administration expenses. Canada remains of the firm view that no amounts can be deducted as administration expenses without the prior written consent of Canada. Canada is not prepared to consent.

We would ask that you confirm that CCEPIRSS will not deduct any amounts from the monies that it has either received or will receive from the Catholic Entities under the Indian Residential School Settlement Agreement as administration expenses until Canada has provided written consent.

In the event that we do not receive a satisfactory reply within five business days, we will consider different legal avenues in ensuring that the monies destined for the AHF are not depleted.

[redacted]urs truly

[redacted]

Alexander Gay
Senior Counsel
/as

Canada

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Address / Adresse: [redacted]		Address / Adresse: Civil Litigation Section Litigation Branch Department of Justice Canada 50 O'Connor Street, Room 571 Ottawa, Ontario K1A 0H8	
Fax # / No du télécopieur: [redacted]	Tel. No. / No du Tél: [redacted]	Fax # / No du télécopieur: (613) 954 1920	Tel. No. / No du Tél: 613-670-6315

c.c.

Comments / Commentaires:

Re: Corporation of Catholic Entities Party to the Indian Residential Schools Settlement (CCEPIRSS) - Arbitration

Please see our letter of today's date.

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COURT FILE NUMBER	816 of 2005

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE	REGINA
PLAINTIFF(S)	FONTAINE, ET AL
DEFENDANT(S)	A.G. OF CANADA, ET AL

Clerk's Stamp

MEDIATION BRIEF OF CCEPIRSS

Pages 19 to / à 39

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COURT FILE NUMBER 816 of 2005

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

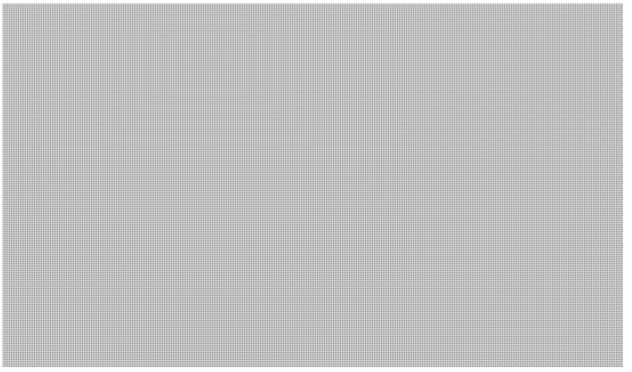
JUDICIAL CENTRE REGINA

PLAINTIFF(S) FONTAINE, ET AL

DEFENDANT(S) A.G. OF CANADA, ET AL

Clerk's Stamp

MEMORANDUM RE: REQUEST FOR AN ADJOURNMENT



Pages 41 to / à 47

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Court File No.: Q.B.G. No. 816 of 2005

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

BETWEEN:

Larry Philip Fontaine in his personal capacity and in his capacity as the Executor of the estate of Agnes Mary Fontaine, deceased, et al.

Plaintiffs

and

The Attorney General of Canada et al.

Defendants

REQUESTS FOR DIRECTION

William F. Pentney
Deputy Attorney General of Canada
Per: Alexander Gay
Department of Justice
Civil Litigation Section
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8

Tel: (613) 670-6315
Fax: (613) 954-1920

Counsel for Her Majesty the Queen in Right of Canada

Pages 49 to / à 65

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s.23

Testa, Samantha

From: Charles Belanger <Charles.Belanger@aandc-aadnc.gc.ca>
Sent: 2014-May-27 10:52 AM
To: Gay, Alexander; McConville, Anne
Cc: Stuhec, Ana (AADNC-AANDC)
Subject: FW:

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Testa, Samantha

From: Charles Belanger <Charles.Belanger@aandc-aadnc.gc.ca>
Sent: 2014-Apr-02 11:59 PM
To: Gay, Alexander; McConville, Anne
Subject: Fwd:

s.23

Thanks, Charles

Page 69

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s.23

Testa, Samantha

From: Ana Stuhec <Ana.Stuhec@aadnc-aandc.gc.ca>
Sent: 2014-May-28 8:58 PM
To: Belanger, Charles (IRSR); Gay, Alexander; McConville, Anne
Cc: Lafontaine, Alain (AANDC-AADNC); Simms, Duaine (AADNC-AANDC)
Subject: Re: [redacted]

Keep us informed on progress. Lots of attention being paid to how this goes.

Good luck.
Ana

>>> Charles Belanger 5/28/2014 4:22 PM >>>
Alex, Anne,

[redacted]

All the best tomorrow!
Charles

Charles J. Bélanger
Legal Counsel | Avocat

Department of Justice Canada | Ministère de la Justice Canada Aboriginal Affairs Portfolio - Aboriginal Children's Issues | Portefeuille des affaires autochtones - Questions liées aux enfants autochtones
90 Sparks Street | 90, rue Sparks - Room 510 | bureau 510 Ottawa, ON K1A 0H4 tel. | tél.: 613-947-5017 fax | téléc.: 613-996-1810 charles.belanger@justice.gc.ca Government of Canada | Gouvernement du Canada

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Testa, Samantha

From: Gay, Alexander
Sent: 2014-May-14 6:10 PM **s.23**
To: Belanger, Charles (IRSR); McConville, Anne
Cc: Stuhec, Ana (AADNC-AANDC); Simms, Duaine (AADNC-AANDC)
Subject: Re:

From: Charles Belanger [mailto:Charles.Belanger@aandc-aadnc.gc.ca]
Sent: Wednesday, May 14, 2014 05:56 PM
To: Gay, Alexander; McConville, Anne
Cc: Stuhec, Ana (AADNC-AANDC); Simms, Duaine (AADNC-AANDC)
Subject: Fw:

** Solicitor-Client Privilege **

Alex, Anne,

Charles

>>> Jennifer Richens 5/14/2014 5:42:07 PM >>>
SOLICITOR-CLIENT PRIVILEGE

Request for a legal opinion

Hi Charles,

Jennifer

JUS A-2021-00438-00071

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s.19(1)

COURT FILE NUMBER 816 of 2005

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

PLAINTIFF(S) FONTAINE, ET AL

DEFENDANT(S) A.G. OF CANADA, ET AL

Page 1 of 1 Volume 1

DOCUMENTS OF CCEPIRSS

Pages 74 to / à 377

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68(a)

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